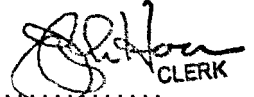


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
JUN - 8 2009


CLERK

UNITED STATES OF AMERICA,	*	
	*	CR. 08-30115-CBK
Plaintiff,	*	
	*	
-vs-	*	REPORT AND RECOMMENDATION
	*	FOR DISPOSITION OF DEFENDANT'S
JACOB DALE PAY PAY	*	MOTION TO SUPPRESS STATEMENTS
	*	
Defendant.	*	
	*	

Defendant, Jacob Dale Pay Pay, has filed a Motion to Suppress Statements, Docket No. 17. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the June 8, 2009 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion should be granted insofar as it seeks to suppress the fact that Defendant took a polygraph examination and either failed or was deceptive in his responses in connection with the same. In all other respects, Defendant's Motion should be denied.

Dated this 8th day of June, 2009, at Pierre, South Dakota.

BY THE COURT:

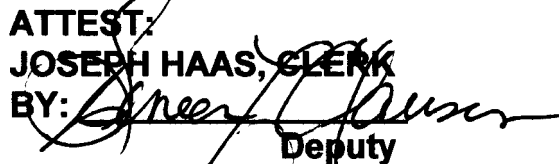


MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE

ATTEST:

JOSEPH HAAS, CLERK

BY:



Deputy

(SEAL)

NOTICE

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).